

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #6	CCRB Case #: 201800525	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/18/2018 8:29 PM	Location of Incident: Van Dam Street and Thomson Avenue	Precinct: 108	18 Mo. SOL 7/18/2019	EO SOL 7/18/2019	
Date/Time CV Reported Fri, 01/19/2018 2:22 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 01/19/2018 2:22 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Louis Sorrentino	05136	939502	108 PCT
2. POM Basheer Everett	27315	944059	108 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Louis Sorrentino	Abuse: Police Officer Louis Sorrentino threatened to arrest § 87(2)(b)	
B.POM Basheer Everett	Abuse: Police Officer Basheer Everett threatened to arrest § 87(2)(b)	
C.POM Louis Sorrentino	Abuse: Police Officer Louis Sorrentino seized § 87(2)(b)'s property.	

Case Summary

On January 19, 2018, § 87(2)(b) filed this complaint via the CCRB's website.

On January 18, 2018, at approximately 8:29 p.m., § 87(2)(b) was driving with his colleague, § 87(2)(b) in the vicinity of Van Dam Street and Thomson Avenue in Queens when his vehicle was pulled over by PO Louis Sorrentino and PO Basheer Everett, both of the 108th Precinct, for making an improper turn. When § 87(2)(b) presented PO Sorrentino with two New York State Troopers PBA placards, PO Sorrentino and PO Everett allegedly threatened to arrest him (**Allegations A: Abuse of Authority**, § 87(2)(g) **Allegation B: Abuse of Authority**, § 87(2)(g) PO Sorrentino seized the placards (**Allegation C: Abuse of Authority**, § 87(2)(g) and issued him a summons for making an improper turn (Board Review 01). New York State Department of Motor Vehicle records indicate that on February 6, 2018, § 87(2)(b) pled guilty to making an improper turn and was fined \$138 (Board Review 02).

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Louis Sorrentino threatened to arrest

§ 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Louis Sorrentino seized § 87(2)(b)'s property.

It is undisputed that PO Sorrentino threatened to arrest § 87(2)(b) and that he seized § 87(2)(b)'s New York State Trooper's PBA placards at the conclusion of this incident.

§ 87(2)(b) (Board Review 03, Board Review 04, Board Review 05, Board Review 06) testified that he provided his license, registration, and two New York State Troopers PBA placards to PO Sorrentino. § 87(2)(b) obtained the placards from www.pbadoc.com, which is linked to ww.nystpba.org. The placards stated that § 87(2)(b)'s vehicle was on "official medical business" and contained an image of a shield. PO Sorrentino appeared shocked and asked § 87(2)(b) if he was a "police surgeon." § 87(2)(b) stated that he is a surgeon who often takes care of police officers. PO Sorrentino asked § 87(2)(b) if he worked for the NYPD or the City of New York. § 87(2)(b) said no. PO Sorrentino allegedly told § 87(2)(b) that he was an imposter and could be arrested for claiming to be a police surgeon. PO Sorrentino confiscated the placards.

§ 87(2)(b) (Board Review 07, Board Review 08) testified that when § 87(2)(b) gave the New York State Troopers PBA placards to PO Sorrentino, PO Sorrentino stated that the placards were fake because the New York State Troopers do not have a PBA, and that § 87(2)(b) was committing a felony by impersonating a police surgeon. PO Sorrentino seized § 87(2)(b)'s placards.

PO Sorrentino (Board Review 09) testified that he ordered § 87(2)(b) to produce his license and registration, which § 87(2)(b) provided along with two New York State Troopers PBA placards. Each placard contained the phrases "PBA New York State Troopers," "police surgeon," and "This vehicle is on official medical business." The placards also contained the NYPD logo. PO Sorrentino said he immediately recognized § 87(2)(b)'s placards as fraudulent because the New York State Troopers do not have a PBA and because the placards contained the NYPD logo, despite saying they were associated with the New York State Troopers. Additionally, PO Sorrentino arrested an individual in September of 2017 for criminal possession of a forged instrument and criminal impersonation of a police officer after he presented a similar placard during a traffic stop. PO Sorrentino told § 87(2)(b) that he could be arrested for possession of a forged instrument and criminal impersonation of a police officer. However, PO Sorrentino used his discretion and decided not to arrest § 87(2)(b) because he was a doctor and PO Sorrentino believed § 87(2)(b) had made an honest mistake when purchasing and presenting the fraudulent placards. PO Sorrentino seized the placards and

subsequently vouchered them as investigatory (Board Review 16). He said he did so in lieu of arresting § 87(2)(b)

PO Everett (Board Review 10) testified that § 87(2)(b) could have been arrested for possession of a forged instrument and that PO Sorrentino informed him of such and seized the placards.

On April 20, 2018, the New York State Troopers were called and Trooper Gino O’Leary of Troop NYC (Board Review 11, Board Review 12, Board Review 15) confirmed that www.nystpba.org is the official website of the New York State Troopers PBA, and that the New York State Troopers have a program where they provide PBA placards to doctors. Trooper O’Leary confirmed that § 87(2)(b) is an active member of the New York State Troopers PBA’s Surgeons Group. Trooper O’Leary also revealed that the placards possessed by § 87(2)(b) contained the phrase “Property of the PBA Surgeon’s Group” and that the New York State Troopers have not been contacted by the NYPD regarding § 87(2)(b)’s placards.

A person is guilty of criminal possession of a forged instrument when, with knowledge that it is forged and with intent to defraud, deceive, or injure another, he utters or possesses any forged instrument. New York Penal Law, Section 170.25 (Board Review 13). A person is guilty of criminal impersonation when he impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another. New York Penal Law, Section 190.25 (Board Review 14).

According to NYPD Patrol Guide, Procedure 208-26 (Board Review 18), in the absence of an arrest, property can only be seized for investigative purposes under the following circumstances: if the property is unlawfully obtained, stolen, the means of committing a crime, or the proceeds of a crime.

The courts have maintained that a mistake of law based on good faith alone does not validate an officer’s actions unless the mistake is objectively reasonable (People v Guthrie, 25 NY3d 130 (2015)(Board Review 19).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

PO Everett denied making either of the alleged statements and PO Sorrentino denied hearing PO Everett do so.

§ 87(2)(g)

(g)

- [§ 87(2)(b)] declined to mediate this complaint.
- As of April 13, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 21).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____